

AMENDED IN ASSEMBLY AUGUST 13, 2012

AMENDED IN ASSEMBLY AUGUST 6, 2012

AMENDED IN ASSEMBLY JUNE 27, 2012

AMENDED IN ASSEMBLY JUNE 11, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 9, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 1465**

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**Introduced by Senator Yee**  
**(~~Coauthor: Senator Correa~~)**

(~~Coauthors: Assembly Members~~ *Coauthor: Assembly Member*  
~~Ammiano, Blumenfield, Huffman, and Wiecekowski~~)

February 24, 2012

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An act to amend ~~Section~~ *Sections 111222, 111223, and 114429.5* of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1465, as amended, Yee. Food safety: Asian rice-based noodles.

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires all manufacturers of Asian rice-based noodles to place labels on the Asian rice-based noodles that indicate the date and time of manufacture and include a warning that the Asian rice-based noodles are perishable and must be consumed within 4 hours of manufacture. *Existing law*

*prohibits the sale of Asian rice-based noodles unless they have this labeling.*

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Public Health to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies.

*This bill would instead require the labels to indicate the date and time that the Asian rice-based noodles came out of hot holding, as specified. This bill would exempt Asian rice-based noodles from these labeling requirements if the Asian rice-based noodles meet specific criteria.*

Existing law authorizes the sale of Asian rice-based noodles, as defined, that have been at room temperature for no more than 4 hours, and ~~prohibits the sale of Asian rice-based noodles unless they have the above-described labeling~~ *requires that Asian rice-based noodles that have been kept at room temperature be consumed, cooked, or destroyed within 4 hours of manufacture.*

*This bill would require Asian rice-based noodles kept at room temperature to be consumed, cooked, or segregated for destruction after 4 hours of the date and time labeled on the product. This bill would exempt Asian rice-based noodles from the above-described time-temperature requirements if the Asian rice-based noodles ~~contain a certain nonanimal-based ingredient and do not support the rapid and progressive growth of specified microorganisms~~ meet specific criteria.*

By imposing new *enforcement* duties upon local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 111222 of the Health and Safety Code is*  
2     *amended to read:*

3     111222. For purposes of this article the following definitions  
4     shall apply:

5     (a) ~~“Asian-rice-based~~ *rice-based* noodle” is defined as a  
6     ~~confection~~ *rice-based pasta* that contains rice powder, water, wheat  
7     starch, ~~and~~ vegetable cooking oil, *and optional ingredients to*  
8     *modify the pH or water activity, or to provide a preservative effect.*  
9     The ingredients shall not include any animal fats or any other  
10    products derived from animals. An Asian rice based noodle is  
11    prepared by using a traditional method that includes cooking by  
12    steaming at not less than 130 degrees Fahrenheit, for not less than  
13    four minutes.

14    (b) “Korean rice cake” is defined as a confection that contains  
15    rice powder, salt, sugar, various edible seeds, oil, dried beans, nuts,  
16    dried fruits, and dried pumpkin. The ingredients may not include  
17    any animal fats or any other products derived from animals. A  
18    Korean rice cake is prepared by using a traditional Korean method  
19    that includes cooking by steaming at not less than 275 degrees  
20    Fahrenheit, for not less than five minutes, nor more than 15  
21    minutes.

22    *SEC. 2. Section 111223 of the Health and Safety Code is*  
23    *amended to read:*

24    111223. (a) All manufacturers of ~~Asian-rice-based~~ *rice-based*  
25    noodles shall place a label on the packaging of ~~Asian-rice-based~~  
26    ~~rice-based~~ noodles that indicates the date and time of manufacture  
27    *that the product came out of hot holding at temperatures above*  
28    *135 degrees Fahrenheit* and includes a statement that the Asian  
29    ~~rice-based~~ *rice-based* noodles are perishable ~~and must be consumed~~  
30    ~~within four hours of manufacture.~~ *This section shall not apply to*  
31    *Asian rice-based noodles that have a pH of 4.6 or below, have a*  
32    *water activity of 0.85 or below, or have been determined by the*  
33    *department to be nonpotentially hazardous foods based on*  
34    *formulation and supporting laboratory documentation submitted*  
35    *to the department by the manufacturer.*

36    (b) All manufacturers of Korean rice cakes shall place a label  
37    issued by the Korean Rice Cake Association Corporation on the  
38    Korean rice cake that indicates the date of manufacture. The Korean

1 rice cakes label shall include a statement that the rice cake must  
2 be consumed within one day of manufacture.

3 **SECTION 1.**

4 *SEC. 3.* Section 114429.5 of the Health and Safety Code is  
5 amended to read:

6 114429.5. (a) Notwithstanding Sections 113996 and 114343,  
7 and if permitted by federal law, a food facility may sell Asian  
8 rice-based noodles that have been kept at room temperature for no  
9 more than four hours.

10 (b) Asian rice-based noodles that have been kept at room  
11 temperature shall be consumed, cooked, or ~~destroyed~~ *segregated*  
12 *for destruction from other Asian rice-based noodles* in a manner  
13 approved by the local enforcement agency ~~within~~ *after* four hours  
14 of ~~manufacture~~ *the date and time labeled on the product*.

15 (c) At the end of the operating day, Asian rice-based noodles  
16 that have been kept at room temperature for more than four hours  
17 shall be destroyed in a manner approved by the local enforcement  
18 agency.

19 (d) (1) For purposes of this section, an “Asian rice-based  
20 noodle” means a ~~confection~~ *rice-based pasta* that contains rice  
21 powder, water, wheat starch, ~~and~~ vegetable cooking oil, *and*  
22 *optional ingredients to modify the pH or water activity, or to*  
23 *provide a preservative effect*. The ingredients shall not include any  
24 animal fats or any other products derived from animals. An Asian  
25 rice-based noodle is prepared by using a traditional method that  
26 includes cooking by steaming at not less than 130 degrees  
27 Fahrenheit, for not less than four minutes.

28 (2) If the Asian rice-based noodles ~~contain a nonanimal-based~~  
29 ~~ingredient, including, but not limited to, sodium acid sulfate, to~~  
30 ~~maintain the Asian rice-based noodles at a pH of 4.6 or below at~~  
31 ~~have a pH of not more than 4.6, a water activity of 0.85 or below,~~  
32 ~~is at a temperature of 76 degrees Fahrenheit and the Asian~~  
33 ~~rice-based noodles do not support the rapid and progressive growth~~  
34 ~~of infectious or toxigenic microorganisms, or the Asian rice-based~~  
35 ~~noodles have been determined by the department to be~~  
36 ~~nonpotentially hazardous foods based on formulation and~~  
37 ~~supporting laboratory documentation submitted to the department~~  
38 ~~by the manufacturer; the restrictions provided in subdivisions (a)~~  
39 to (c), inclusive, shall not apply to the Asian rice-based noodles.

1     ~~(e) All manufacturers of Asian rice-based noodles shall place~~  
2     ~~a label on the Asian rice-based noodles as prescribed by Section~~  
3     ~~111223.~~

4     ~~SEC. 2.~~

5     *SEC. 4.* If the Commission on State Mandates determines that  
6     this act contains costs mandated by the state, reimbursement to  
7     local agencies and school districts for those costs shall be made  
8     pursuant to Part 7 (commencing with Section 17500) of Division  
9     4 of Title 2 of the Government Code.